



City of Seattle

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Gregory J. Nickels, Mayor  
**Department of Planning and Development**  
D. M. Sugimura, Director

**CITY OF SEATTLE**  
**ANALYSIS AND DECISION OF THE DIRECTOR OF**  
**THE DEPARTMENT OF PLANNING AND DEVELOPMENT**

**Application Number:** 2401125  
**Applicant Name:** Nancy Palmer  
**Address of Proposal:** 2818 East Pine Street

**SUMMARY OF PROPOSED ACTION**

Master Use Permit to subdivide one lot into two. Proposed lot sizes are: Lot A) 3,995.36 square feet and Lot B 4,409.35. Existing residential structure to be removed.

The following approval is required:

**Short Subdivision** – to divide one lot into two lots (SMC Chapter 23.24).

**SEPA DETERMINATION:** ☒ Exempt ☐ DNS ☐ MDNS ☐ EIS

☐ DNS with conditions

☐ DNS involving non-exempt grading, or demolition, or another agency with jurisdiction.

**BACKGROUND DATA**

**Zoning:** SF 5000

**Date of Site Visit:** April 13, 2004

**Uses on Site:** Single story residential structure.

**Site Characteristics:** The subject site is relatively flat but down sloping toward the west. There are no Environmentally Critical Areas (ECA's) on the site. East Pine Street and 29<sup>th</sup> Avenue East are paved and have curbs, gutters, and sidewalks.

#### Public Comment

Three comment letters were received during the comment period that ended April 7, 2004. Concerns were expressed about construction hours, sediment and erosion control during construction, that the design of the future houses not result in "skinny" houses, off-street parking for each lot, the construction of a fence along the north property boundary, and the preservation and/or relocation of the mature on-site trees.

Response to Comments. Construction hours are governed by the City's Noise Ordinance, Seattle Municipal Code (SMC) 25.08.425, which allows work between 7 AM and 10 PM weekdays and 9 AM and 10 PM weekends for certain activities and noise levels. Noise levels which exceed those allowed during the evening hours are constrained to daytime hours. Sediment and erosion impacts are regulated by SMC 22.80, the Stormwater, Grading and Drainage Control Code; construction activity conforming to this Code should mitigate the concerns expressed. House design is not directly regulated by the City other than indirectly through Code requirements for minimum lot area and required yards (set-backs). The proposed lots are of an almost square shape, thereby allowing for house design that should not be "skinny". One (1) off-street parking space is required for each single-family dwelling unit (SMC 23.54). Provision of a fence is not required by Code and should be addressed between the adjoining property owners. Trees: See discussion of tree issues in *Summary – Short Subdivision* below.

#### ANALYSIS - SHORT SUBDIVISION

Pursuant to SMC 23.24.040, no short plat shall be approved unless all of the following applicable facts and conditions are found to exist.

1. *Conformance to the applicable Land Use Code provisions;*
2. *Adequacy of access for vehicles, utilities and fire protection, as provided in Section 23.53.005;*
3. *Adequacy of drainage, water supply, and sanitary sewage disposal;*
4. *Whether the public use and interests are served by permitting the proposed division of land;*

5. *Conformance to the applicable provisions of SMC Section 25.09.240, short subdivision and subdivisions in environmentally critical areas;*
6. *Is designed to maximize the retention of existing trees;*

Summary - Short Subdivision

Based on information provided by the applicant, referral comments from the Drainage Section of DPD, Seattle Public Utilities (SPU) for water availability, Fire Department (SFD), Seattle City Light (SCL), and review by the Land Use Planner, the above cited criteria have been met subject to the conditions imposed at the end of this decision.

The lots to be created by this short subdivision will meet all minimum standards and applicable exceptions set forth in the Land Use Code, and are consistent with applicable development standards. As proposed, this short plat utilizes the “75/80” rule of SMC 23.44.010 that allows the creation of lots less than the nominally required size for a particular zone provided the proposed lots are a minimum of 75% of the required lot size for the zone and at least 80% of the mean lot area of the lots on the same block face and within the same zone in which the lot is located.

Proposed Lot B is a corner lot and therefore has 2 block faces from which to calculate compliance with the “75/80” rule. There are seven other lots on the block face of 29<sup>th</sup> Avenue. Eighty percent of the mean lot area of these lots is 3,977 square feet. There is one other lot on the block face of East Pine Street. Eighty percent of the mean lot area of this one lot is 3,849 square feet. Seventy-five percent of the 5000 square feet required lot size for this zone is 3,750 square feet. The proposed lots sizes of 4,409.35 square feet for Lot B and 3,995.36 for Lot A therefore meet the requirement of this rule.

This short subdivision provides vehicular access, access for public and private utilities and for emergency personal and vehicles. Vehicular access for proposed Lot A will be provided from the north to south alley that forms the western lot boundary. Vehicular access for proposed Lot B will be provided from either East Pine Street or 29<sup>th</sup> Avenue East. Preliminary information from the applicant indicates the driveway access for Lot B will be from 29<sup>th</sup> Avenue East. Both proposed lots, when developed with single-family structures, will be required to provide a minimum of one off-street parking space (SMC 23.54). Location and access to the required parking space is regulated by SMC 23.44.016.

Adequate access is available for Seattle City Light, which does not require an easement to provide service.

The Fire Department has reviewed this proposal and determined that it provides adequate access for emergency personal and vehicles.

Adequate provisions for drainage control, water supply and sanitary sewage disposal have been provided for each lot, and service is assured, subject to standard conditions governing storm water control and utility extensions.

The public use and interest are served by this proposal. The additional parcel created through the application of the "75/80" rule, creates a buildable lot for the future construction of an additional housing unit in the City.

There are seven trees on the parent lot. None of these trees are classified as exceptional. All trees are located so they could be retained with the construction of any future primary residential structures, therefore, the platting, as proposed, does not require the removal of these trees. If the trees are not preserved, the tree planting requirements of SMC 23.44.008 must be followed at the time of building construction. These require the planting of two caliper inches of tree per each 1000 square feet of lot area. The 3,995.36 square foot area of proposed Lot A would require the planting of a minimum of 3.9 caliper inches of new trees. The 4,409.35 square foot area of proposed Lot B would require the planting of a minimum of 4.5 caliper inches of new trees.

This site is not located in an environmentally critical area; therefore, SMC 25.09.240 is not applicable.

### **DECISION - SHORT SUBDIVISION**

The proposed Short Subdivision is **CONDITIONALLY GRANTED**.

### **CONDITIONS - SHORT SUBDIVISION**

#### **Conditions of Approval Prior to Recording**

1. Submit the final recording forms for approval along with any required fees.
2. Review the legal descriptions on the plat to assure the new descriptions include the "except the north 50 feet there of" language of the existing legal description. Add meets and bounds description if surveyor deems it necessary for recording.
3. Place a note on the final plat that the existing on-site house must be legally removed prior to the individual transfer or sale of lots or issuance of a building permit.

Signature: (signature on file) Date: November 8, 2004  
Art Pederson, Land Use Planner

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